

## REMARKS

Claims 3-5, 9-11, 15-17, 19, 21 and 23-29 are all the claims pending in the application.

### **I. Response to Rejection under 35 U.S.C. § 112, Second Paragraph**

Claim 3 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants respectfully traverse the rejection for the following reasons.

Claim 3 depends from claim 4 and further recites that the non-acidic compound is glycolide. Claim 4 recites, *inter alia*, that the non-acidic compound is a cyclic lactide.

As described in paragraph [0005] of the present specification, cyclic lactides include cyclic esters of  $\alpha$ -hydroxy acids, such as glycolic acid and lactic acid. In other words, the term “cyclic lactide,” as used in the present application, generically denotes the group encompassing cyclic lactic acid dimers (lactide) as well as cyclic glycolic acid dimers (glycolide).

Further, Applicants attach hereto a copy of page 311 from the Kirk-Othmer Encyclopedia of Chemical Technology, confirming that this terminology (“cyclic lactide”) has been used in the art. Specifically, this document describes that “a cyclic ester formed from two molecules of the compound; the reaction is illustrated for lactic acid, from which the common name, lactides, for cyclic esters of this type is derived”.

In view of the above, Applicants respectfully submit that the dependency of claim 3 on claim 4 is proper, and thus the § 112 rejection should be withdrawn.

### **II. Response to Rejection under 35 U.S.C. § 102(e)/103(a)**

Claims 2-5, 9-11, 15-17, 19, 21 and 23-29 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly

being obvious over U.S. Patent No. 6,534,572 to Ahmed et al. Applicants respectfully traverse the rejection for the following reasons.

The Office Action asserted that Ahmed et al. describes a product containing polylactide and a superabsorbent material, and therefore anticipates and/or renders obvious the subject matter recited in the present claims. Specifically, the Office's position is that the cyclic lactic esters are unstable and polymerize readily. Applicants respectfully disagree.

Independent claims 4, 9, 15, 24 and 27 recite, *inter alia*, cyclic lactides. As explained above, "a cyclic lactide" is a cyclic dimer of an  $\alpha$ -hydroxy acid. Ahmed et al. do not disclose or suggest the addition of cyclic lactic acid dimers. In fact, Ahmed et al. teach the addition of lactic acid polymers because these polymers can provide the desired thermoplastic characteristics to the superabsorbent article. There is no motivation in Ahmed et al. to add, in addition or instead, cyclic lactic acid dimers (i.e., lactides), because there is no reasonable expectation that these cyclic lactic acid dimers could possibly provide the required thermoplastic properties.

The present inventors found that these cyclic lactic acid dimers, possibly by virtue of the relative instability referred to by the Examiner, can act as an alkali-neutralizing agent and therefore advantageously reduce odor. Ahmed et al. do not provide any indication as to this effect.

Furthermore, even if the addition of lactide to a superabsorbent material would indeed result in some poly-lactide being formed, as the Examiner appears to assume, this would still be of no relevance, as the fact remains that the present claims require the presence of a lactide whereas Ahmed et al. do not disclose or suggest this feature.

In view of the foregoing, Applicants respectfully submit that claims 4, 9, 15, 24 and 27 are not anticipated or rendered obvious by Ahmed et al., and thus the rejection should be

withdrawn. Additionally, claims 3, 5, 10, 11, 16, 17, 19, 21, 23, 25, 26, 28 and 29 depend from claim 4, 9, 15, 24 or 27, directly or indirectly, and thus are patentable over the cited reference at least by virtue of their dependency.

### **III. Conclusion**

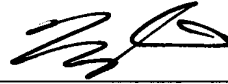
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (202) 452-7932 at her earliest convenience.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 23, 2008

By: \_\_\_\_\_



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